

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

\* \* \* \* \*

Timothy A. Carter,

Petitioner,

vs.

ORDER ADOPTING THE  
REPORT AND RECOMMENDATION

State of Minnesota,

Respondent.

Civ. No. 05-1228 (ADM/RLE)

\* \* \* \* \*

Based upon the Findings and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

1. That the Plaintiff's Complaint, [Docket No. 1] is summarily dismissed pursuant to Title 28 U.S.C. §1915A(b)(1).
2. That the Plaintiff's Application to Proceed Without Prepayment of Fees [Docket No. 2], is denied.
3. That the Plaintiff is not be required to pay the unpaid balance of the Court filing fee, namely the full \$250.00, as would ordinarily be required by Title 28 U.S.C. §1915(b)(2).
4. That, for purposes of Title 28 U.S.C. § 1915(g), this action is not to be counted as a strike against the Plaintiff.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 22, 2005

s/Ann D. Montgomery

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Ann D. Montgomery, Judge  
United States District Court